IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3607 OF 2005

Hirabai Balasaheb Kharade
(Through her Power of Attorney
Shri Balasaheb Arjun Khkarade. .. Petitioner.

vs.

Arun Changdev Lamkane
& Ors. .. Respondents.

Mr. N.R. Patil for petitioner.

CORAM : S.U. KAMDAR, J.

DATE : 23rd November, 2005.

P.C.:

. The present petition is filed challenging the order passed by the District Collector, Solapur in Revision Application No. 8 of 2004 dated 29.3.2005. This was an appeal preferred by the petitioner against the order passed by the Tahsildar dated 19.7.2004. By the said order of the Tahsildar the petitioner has been directed to provide an excess to the bullock cart and not to obstruct the said access which is passing from the land of the petitioner in Gat No. 298/2 and 294. It is the

case of the petitioner that the application which was preferred before the Talathi was time barred in view of provisions of Section 5(3) of the Mamletdar Court Act, 1906 which inter alia provides for six months period for filing the application from the date the cause of action arises. It is the case of the petitioner that in the present case the application being dated 16.6.2003 does not mention the date on which the cause of action arose and, therefore, the application is liable to be dismissed. I am not inclined to accept the aforesaid contention because in case of an obstruction from using access road the cause of action arises every day and therefore the claim is within time. The next contention advanced by the learned counsel for the petitioner is that the Upper District Collector has not appropriately considered the appeal. I have considered the order which is at page 53 A. The Collector in his order has given a detailed reasoning as is evident from the perusal of the order itself and therefore there is no substance in the contention advanced by the learned counsel for the petitioner. Petition dismissed. No order as to costs.

. Parties to act on an ordinary copy of this order duly authenticated by the Private secretary of this Court.